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EXAMINER

LEVINE, ADAM L

ART UNIT PAPER NUMBER

3625

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

<b>Application No.</b> 10/001,556	<b>Applicant(s)</b> WESTBROOK ET AL.	
<b>Examiner</b> Adam Levine	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 3 May 2007.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-29,32-57 and 68 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-29,32-57 and 68 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

## DETAILED ACTION

Applicants' amendments and remarks dated May 3, 2007, are responsive to the office action mailed November 3, 2006. Independent claims 1,32, and 68 are amended. Claims 1-29,32-57, and 68 are pending. Amended claims 1-29, 32-57, and 68 are therefore pending and are considered in this office action.

### ***Response to Amendment***

#### ***Pertaining to the rejection under 35 USC §112, 1<sup>st</sup> paragraph, in the previous action***

Claim 68 was rejected for failure to comply with the written description requirement. The claim contained subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the "seller profile" and "obtaining a selection of at least one seller corresponding to the buyer criteria from a graphical user interface displaying at least a subset of the set of sellers," were both new matter and were not disclosed or enabled by the specification as originally filed. Obtaining a set of sellers corresponding to the buyer criteria was described but the display of a subset of a set was not disclosed.

Both of these elements have been removed from the claim by amendment and the rejection is therefore moot.

***Response to Arguments***

***Pertaining to rejection under 102(e) in the previous office action***

Applicant's arguments filed May 3, 2007, have been fully considered but they are not persuasive. Applicants argue that the prior art fails to teach or suggest "obtaining a buyer transaction request, the transaction request including one or more buyer criteria embodied in one of three classifications including general classifications, specific seller and combination general classification and specific seller" as recited in claim 1, and the substantially similar variations thereof recited in claims 32 and 68. Applicants admit that the prior art teaches, "buyers can choose from one of a variety of general classifications....". (See Remarks dated May 3, 2007, p.14.) The language of the claim "one or more criteria embodied in one of three classifications including general classifications..." includes one criteria in one classification, and the one classification includes general classifications. One reading of the claim therefore would cover "one buyer criteria embodied in general classifications." Therefore, as admitted by the applicants, the prior art does teach "obtaining a buyer transaction request, the transaction request including one or more buyer criteria embodied in one of three classifications including general classifications, specific seller and combination general classification and specific seller" as recited in claim 1, and the substantially similar variations thereof recited in claims 32 and 68.

In addition to the above, applicants should note that the prior art does in fact teach buyer criteria embodied in classifications including specific seller and a

combination of general classifications and specific seller (see at least page 6 ¶¶0048, page 7 ¶¶0053-0054, page 8 ¶0064, page 9 ¶0071).

The examiner cites particular pages and paragraphs or columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the claims, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1-29, 32-57, and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Adam (Paper# 050707; Patent Publication No. 2002/0069156).**

Referring to claim 1. Adam discloses a method for facilitating transactions between one or more buyers and sellers, the method comprising:

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- Obtaining a buyer transaction request, the transaction request including one or more buyer criteria embodied in one of three classifications including general classifications, specific seller and combination general classification and specific seller (see at least page 6 ¶¶0048, page 7 ¶¶0053-0054, page 8 ¶0064, page 9 ¶0071);
- Identifying a set of sellers corresponding to the at least one buyer criteria;
- Transmitting the set of sellers corresponding to the buyer criteria (see at least ¶¶0078-0082);
- Obtaining a selection of at least one seller corresponding to the buyer criteria (see at least ¶¶0078-0082);
- Processing the negotiation of a transaction between the buyer and the selected seller corresponding to the buyer criteria (see at least ¶¶0078-0082);
- Obtaining a confirmation of the completion of a transaction between the buyer and the selected seller (see at least ¶0008 and ¶0068); and
- Generating transaction records associated with the completed transaction (see at least ¶0073).

Referring to claim 2. Adam further discloses a method wherein obtaining the buyer transaction request includes obtaining a buyer transaction inquiry from a buyer computing device, wherein the buyer transaction inquiry includes a request to identify sellers operable to sell a buyer specified product and quantity (see at least abstract).

Referring to claim 3. Adam further discloses a method wherein identifying a set of sellers corresponding to the buyer criteria includes:

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- Obtaining product and quantity correlation data (see at least figs.4-6); and
- Translating the buyer specified product and quantity data into a format compatible with each identified seller corresponding to the buyer criteria (see at least figs.4-6).

Referring to claim 4. Adam further discloses a method wherein identifying a set of seller corresponding to the buyer criteria includes applying selection criteria (see at least ¶¶0078-0082).

Referring to claim 5. Adam further discloses a method wherein the selection criterion includes information selecting one or more general seller categories to include/exclude (see at least ¶0078).

Referring to claim 6. Adam further discloses a method wherein the selection criterion includes information identifying specific sellers to include/exclude (see at least ¶0078).

Referring to claim 7. Adam further discloses a method wherein the information identifying specific sellers to include/exclude is obtained from the buyer computing device (see at least ¶0078).

Referring to claim 8. Adam further discloses a method wherein the information identifying specific sellers to include/exclude is obtained from a seller computing device (see at least ¶0078).

Referring to claim 9. Adam further discloses a method wherein the selection criterion includes information identifying one or more general seller categories to

include/exclude and one or more specific sellers corresponding to the general seller categories to include/exclude (see at least ¶0071).

Referring to claim 10. Adam further discloses a method wherein obtaining the buyer transaction request includes obtaining a buyer transaction query from a buyer computing device, wherein the buyer transaction query includes an invitation for offers from a number of sellers (see at least abstract).

Referring to claim 11. Adam further discloses a method wherein identifying a set of sellers corresponding to the buyer criteria includes;

- Identifying a set of sellers corresponding to the buyer criteria (see at least figs.4-6);
- Transmitting the transaction query to the set of sellers (see at least figs.4-6); and
- Obtaining one or more seller offers corresponding to the transaction query (see at least figs.4-6).

Referring to claim 12. Adam further discloses a method wherein identifying a set of seller corresponding to the buyer criteria includes applying selection criteria (see at least ¶¶0078-0082).

Referring to claim 13. Adam further discloses a method wherein the selection criterion includes information selecting one or more general seller categories to include/exclude from the transaction query (see at least ¶0071 and ¶0078).

Referring to claim 14. Adam further discloses a method wherein the selection criterion includes information identifying specific sellers to include/exclude from the transaction query (see at least ¶0071 and ¶0078).



Referring to claim 15. Adam further discloses a method wherein the information identifying specific sellers to include/exclude is obtained from the buyer computing device (see at least ¶0071 and ¶0078).

Referring to claim 16. Adam further discloses a method wherein the information identifying specific sellers to include/exclude is obtained from a seller computing device (see at least ¶0071 and ¶0078).

Referring to claim 17. Adam further discloses a method wherein the selection criterion includes information identifying one or more general seller categories to include/exclude and one or more specific sellers corresponding to the general seller categories to include/exclude (see at least ¶0071 and ¶0078).

Referring to claim 18. Adam further discloses a method wherein obtaining a selection of at least one seller corresponding to the buyer criteria includes:

- Generating a Web page interface (see at least ¶0044); and
- Obtaining a selection of the at least one seller via the Web page interface (see at least ¶0044).

Referring to claim 19. Adam further discloses a method wherein processing the negotiation of a transaction includes:

- Obtaining communications from the buyer (see at least abstract); and
- Transmitting the communications to the selected seller (see at least abstract).

Referring to claim 20. Adam further discloses a method wherein processing the negotiation of a transaction includes:

- Obtaining communications from the selected seller (see at least abstract); and

- Transmitting the communications to the buyer (see at least abstract).

Referring to claim 21. Adam further discloses a method wherein processing the negotiation of a transaction includes obtaining a selection of a direction communication method between the buyer and the selected seller; and establishing the direct communication channel between the buyer and the selected seller (see at least ¶0025).

Referring to claim 22. Adam further discloses a method wherein the direct communication channel includes an Internet voice communication channel (see at least ¶0039).

Referring to claim 23. Adam further discloses a method wherein the direct communication method includes a standard telephonic communication channel (see at least ¶0039).

Referring to claim 24. Adam further discloses a method comprising:

- Obtaining a third party transaction request (see at least abstract);
- Identifying one or more third parties corresponding to third party transaction request (see at least abstract);
- Transmitting a set of third parties corresponding to the third party transaction request (see at least abstract);
- Obtaining a selection of at least one third party corresponding to the third party transaction request (see at least abstract);
- Processing the negotiation of a transaction with the selected third party corresponding to the third party transaction request (see at least abstract);

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- Obtaining a confirmation of the completion of a transaction with the selected third party corresponding to the third party transaction request (see at least abstract); and
- Generating transaction records associated with the completed transaction (see at least abstract).

Referring to claims 25 and 26. Adam further discloses a method wherein transaction details are forwarded to a third-party.

The Examiner notes, the descriptive material related to the type of third-party is not functionally involved in the recited steps of the method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

Referring to claim 27. Adam further discloses a method wherein the transaction request is obtained from the buyer (see at least abstract).

Referring to claim 28. Adam further discloses a method wherein the transaction request is obtained from the selected seller (see at least abstract).

Referring to claim 29. Adam further discloses a method wherein the transaction request is a products transaction request.

The Examiner notes, the descriptive material related to the type of product is not functionally involved in the recited steps of the method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

Referring to claims 32-57. Claims 32-57 are rejected under the same rationale as set forth above.

Referring to claim 68. Claim 68 is rejected under the same rationale as set forth above. It is noted that the specific term “wood” to describe a product sold is descriptive material and is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106). The method is the same regardless of the product sold. In addition, Adam discloses:

- seller profile (see at least abstract, figs.5-6, page 1 ¶¶0005-0006, page 4 ¶0032, page 7 ¶0053)
- subset of the set of sellers (see at least abstract, page 1 ¶0003-0006, page 4 ¶0032, page 7 ¶0053)
- agreement (see at least page 2 ¶0014, page 12 ¶0095).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571.272.6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Levine  
Patent Examiner  
July 10, 2007



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